

CONTINUATION OF COMPLAINT:
Agapito GUZMAN-Partida

PROBABLE CAUSE STATEMENT

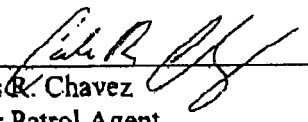
I declare under the penalty of perjury that the following statement is true and correct:

On January 11, 2008, Smuggling Interdiction Group, Criminal Alien Squad Agents were conducting surveillance at Treebeard Landscaping located at 3711 S. Bonita Street, Spring Valley, California. They were conducting surveillance based on information received that an individual identified as the defendant, Agapito GUZMAN-Partida, had returned to the United States illegally and was possibly working and employed at Treebeard Landscaping. At approximately 7:20 a.m., Agents A. Roozen and A. Cacho observed a man matching the description leaving in a truck. The Agents followed the truck on to Highway 125 northbound in order to do a traffic stop. Agent Cacho initiated a vehicle stop on the truck. The vehicle yielded on Highway 125 near the Navajo off-ramp. Agents Roozen and Cacho approached the vehicle and identified themselves as United States Border Patrol Agents. Both agents questioned the subject as to his identity and his immigration status. The defendant stated that he was in fact Agapito GUZMAN-Partida and that he was born in Nayarit, Mexico. The defendant was also questioned if he had any immigration documents that would allow him to enter or remain in the United States legally. He stated that he did not. The defendant was placed under arrest and transported to the Chula Vista Border Patrol Station for processing.


Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on December 26, 1997, through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally.

Executed on January 12, 2008 at 10:00 A.M.


 Carlos R. Chavez
 Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 11, 2008, in violation of Title 8, United States Code, Section 1326.


 Nita L. Stormes
 United States Magistrate Judge

1-12-08 @ 10:35 AM
 Date/Time